

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claim 20 has been amended to recite 1% to 30% by weight of an antistatic agent comprising a polyetheramide. Support for such amendment can be found in the instant specification at least at page 6, lines 7-8 and 12-13. Claim 23 has been amended to correct a typographical error. Claims 26 and 27 have been amended in a manner consistent with the above amendment to claim 20. Claims 31-37 have been amended for readability purposes. New claim 39 depends from claim 20, and is directed to a process for producing an article. Support for such new claim can be found in the instant specification at least at page 15, lines 6-19.

In the Official Action, claim 28 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants submit that when PA is represented by either of formulas (IIa) or (IIb), the resulting structure of formula (I) is correct. Accordingly, withdrawal of the above §112, second paragraph, rejection is respectfully requested.

Claims 20-26, 31 and 32 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication No. 2003/0092824 (*Bastiaens et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 20 recites a composition comprising a polyamide matrix, comprising: at least 2% by weight of electrically conductive fillers; and 1% to 30% by

weight of an antistatic agent comprising a polyetheramide; the percentages by weight being expressed with respect to the total weight of the composition.

Bastiaens et al does not disclose or suggest each feature recited in independent claim 20. For example, *Bastiaens et al* does not disclose or suggest a composition comprising 1% to 30% by weight of an antistatic agent comprising a polyetheramide, as recited in claim 20. In this regard, the Patent Office has taken the position that the conductive carbon fibers disclosed by *Bastiaens et al* correspond to the claimed antistatic agent. See Official Action at pages 3 and 4. As noted above, claim 20 now recites that the antistatic agent comprises a polyetheramide. *Bastiaens et al* fails to disclose or suggest such claimed feature.

Applicants submit that by employing at least 2% by weight of electrically conductive fillers, in combination with 1% to 30% by weight of an antistatic agent comprising a polyetheramide, for example, good paint adhesion via electrostatic deposition and good mechanical properties can be attained. See, for example, the experimental data set forth in Table 1 of the instant specification. *Bastiaens et al* fails to have any recognition or suggestion of such advantages attainable by employing a composition comprising such electrically conductive fillers and antistatic agent comprising a polyetheramide.

For at least the above reasons, it is apparent that independent claim 20 is neither anticipated by nor obvious over *Bastiaens et al*. Accordingly, withdrawal of the above rejection is respectfully requested.

Claims 20-26 and 31 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,549,559 (*Gueret et al*). Claims 28-30 stand rejected under 35

U.S.C. §103(a) as being obvious over *Gueret et al.* Withdrawal of the above rejections is respectfully requested for at least the following reasons.

Gueret et al does not disclose or suggest each feature recited in independent claim 20. For example, *Gueret et al* does not disclose or suggest a composition comprising 1% to 30% by weight of an antistatic agent comprising a polyetheramide, as recited in claim 20. *Gueret et al* does not disclose or suggest an amount of 1% to 30% by weight of the antistatic agent comprising a polyetheramide, being expressed with respect to the total weight of the composition. By comparison, *Gueret et al* discloses that the ponderal quantity of the "Pebax" polymer, determined in relation to the weight of the "Rilsan" used, has been found to be at least 25%. See col. 3, lines 22-24. That is, the percentage expressing the amount of the "Pebax" polymer disclosed by *Gueret et al* is based on the weight of the component allegedly corresponding to the polyamide matrix, not the composition as a whole. There is simply no disclosure or suggestion of an amount of 1% to 30% by weight of an antistatic agent comprising a polyetheramide, being expressed with respect to the total weight of the composition, as recited in claim 20.

Furthermore, Applicants submit that by employing at least 2% by weight of electrically conductive fillers, in combination with 1% to 30% by weight of an antistatic agent comprising a polyetheramide, for example, good paint adhesion via electrostatic deposition and good mechanical properties can be attained. See, for example, the experimental data set forth in Table 1 of the instant specification. *Gueret et al* fails to have any recognition or suggestion of such advantages attainable by employing a composition comprising electrically conductive fillers and antistatic agent comprising a polyetheramide.

The Patent Office has taken the position that it would have been obvious to "optimize" the "Pebax" polymer disclosed by *Gueret et al* to arrive at the claimed formula (I) compound recited in claim 28. See Official Action at page 6. However, the chemical structural differences between the formula (I) compound and the compound disclosed by *Gueret et al*, are not of the type of "general conditions" or "parameters" which can be found to be optimized by routine experimentation. See M.P.E.P. §2144.05II., discussing *In re Aller* and *In re Boesch*. Rather, the Patent Office bears the burden of establishing that it would have been obvious to the ordinarily skilled artisan to modify the chemical structure of the *Gueret et al* compound to arrive at the claimed formula (I) compound. See, e.g., *Takeda Chem. Indus., Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350 (Fed. Cir. 2007), "it remains necessary to identify some reason that would have led a chemist to modify a known compound in a particular manner to establish *prima facie* obviousness of a new claimed compound." Here, the Patent Office has merely alleged that it would have been obvious to modify the *Gueret et al* compound "for best results". See Official Action at page 6. Such conclusory statement is not sufficient to establish the obviousness of the formula (I) compound recited in claim 28.

For at least the above reasons, it is apparent that the claims are neither anticipated by nor obvious over *Gueret et al*. Accordingly, withdrawal of the above rejections is respectfully requested.

Claims 20-26 and 28-32 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,025,055 (*Bouilloux et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Bouilloux et al does not disclose or suggest each feature recited in independent claim 20. For example, *Bouilloux et al* does not disclose or suggest a composition comprising at least 2% by weight of electrically conductive fillers, as recited in claim 20. Applicants submit that by employing such claimed amount of electrically conductive fillers, in combination with 1% to 30% by weight of an antistatic agent comprising a polyetheramide, for example, good paint adhesion via electrostatic deposition and good mechanical properties can be attained. See, for example, the experimental data set forth in Table 1 of the instant specification. *Bouilloux et al* fails to have any recognition or suggestion of the relationship between the electrically conductive fillers and antistatic agent comprising a polyetheramide, and the paint adhesion and mechanical properties of compositions thereof.

For at least the above reasons, it is apparent that independent claim 20 is non-obvious over *Bouilloux et al*. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

The dependent claims are allowable at least by virtue of their direct or indirect dependence from independent claim 20. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

If there are any questions concerning this paper or the application in general,
the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:



Roger H. Lee
Registration No. 46317

Customer No. 21839
703 836 6620